S.B.Cr.Misc. Bail App. No. 4522/2007
(Masra Ram Vs. State of Rajasthan)

Date of order : 14/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg for the petitioner.

Mr. V.R.Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that similarly situated co-accused Smt. Shanti has been granted bail by this Court vide order dated 13.8.2007 and the case of the petitioner is not distinguishable.

While granting bail to co-accused Smt. Shanti it was noticed by this Court that the cause of death of deceased Khasi is shock due to injury to spleen. The injury report of deceased Khasi shows complain of pain in abdomen. There is no other injury except the pain. In her statement under Section 161 Cr.P.C., she stated that Masra Ram and Smt. Shanti inflicted injury by fists and kicks. There is only one injury and that is complain of pain and it has not been made clear as to which of the accused has caused such injury.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioner Masra Ram S/o Lala Ram be released on bail in FIR No. 132/07 P.S. Jalore, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP